

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MONTRELL OLIVER,	:	
Petitioner	:	
	:	
v.	:	CIVIL ACTION NO. 16-CV-5537
	:	
SUPERINTENDENT BARRY SMITH, et al.,	:	
	:	
Respondents.	:	

**ORDER**

**AND NOW** this 16th day of November, 2017, upon careful and independent consideration of the petition for writ of habeas corpus, Petitioner's objections to the original Report and Recommendation, the status report provided by Respondents, and after review of the Supplemental Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, it is hereby **ORDERED** that:

1. The Supplemental Report and Recommendation is **APPROVED** and **ADOPTED**.
2. Respondents' motion to stay consideration of the petition is **GRANTED**.
3. The petition for a writ of habeas corpus is placed in suspense pending Petitioner's litigation of a PCRA petition raising a claim pursuant to Miller v. Alabama, \_\_ U.S. \_\_, 132 S.Ct. 2455 (2012).
4. Petitioner and Respondents shall notify the Court within thirty days of the conclusion of the state proceedings so the habeas petition may proceed in this court.
5. Petitioner and Respondents shall provide the Court with a status report as to the state court proceedings by **February 16, 2018**.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

**MITCHELL S. GOLDBERG, J.**